

FILED
IN CLERKS OFFICE
UNITED STATES DISTRICT COURT
for the
District of Massachusetts

2022 OCT -7 PM 12: 59

JOSE MARIA DECASTRO, an individual)	Case No. 1:22-cv-11421-ADB
)	
Plaintiff,)	U.S. DISTRICT COURT DISTRICT OF MASS. OPPOSITION TO DEFENDANTS' <i>EX</i>
)	<i>PARTE</i> MOTION FOR EXTENSION OF
v.)	TIME TO RESPOND TO COMPLAINT
)	OR, ALTERNATIVELY, TO STAY THE
JOSHUA ABRAMS, an individual, et al.,)	ORDER
)	
Defendants.)	
)	
)	
)	

**OPPOSITION TO DEFENDANTS' *EX PARTE* MOTION FOR EXTENSION OF
TIME TO RESPOND TO COMPLAINT OR, ALTERNATIVELY, TO STAY THE
ORDER**

Although I, Plaintiff DeCastro, have offered to mediate with Defendants Peter and Abrams, they are sticking to their guns and refuse to even confer regarding this case. Peter and Abrams continue to harass and defame me, even after being served. I am only aware of Peter's progress in responding to my complaint due to one of her YouTube videos where one of her associates has mentioned that Peter has been anxious due to being unable to find an attorney to represent her, that she will be consulting with an additional attorney on October 3, 2022, and that she hopes to be able to file a motion for extension of time to answer.

I don't know on what day this court hears motions, but Peter seems to only have time for an *ex parte* hearing. Since they were served, both defendants have made six YouTube videos about me that in total are over 11 hours long. They seem more interested in causing more harm to me than exercising their due diligence toward a defense. Additionally, Peter was initially served on September 6, 2022 but tore up the process in front of the server, demanding to be served under the state's laws for service of process that requires a constable. Peter was aware of the complaint before the return of service filed for September 15, 2022.

I would oppose any *ex parte* motion for extension of time to respond to my complaint by either defendant unless they justify their need for *ex parte* relief, including that 1) their "cause will be irreparably prejudiced" without it and 2) that it is "without fault in creating the crisis". *United States ex rel. Lafond v. L-3 Communs. SSG Tinsley, Inc.*, No. 09-10231, 2013 U.S. Dist. LEXIS 50561, at *4 (D. Mass. Apr. 8, 2013) and *Mission Power Eng'g Co. v. Continental Cas. Co.*, 883 F. Supp. 488, 489 (C.D. Cal. 1995). If there is an extension of time, it should be the minimum required for this motion to be properly noticed.

I would have been willing to stipulate to an extension if I believed that Defendants had been prejudiced, rather than intent to cause further harm. Defendant Peter alleges to have raised over \$18,000 dollars for her defense during a fundraiser on September 15, 2022. There is no shortage of attorneys in the Boston area where Peter maintains her domicile. The defendants do not have a right to counsel that will represent their frivolous defense. They can get help at the Pro Se self help clinics if they insist on going against the recommendations during consultation with attorneys for hire.

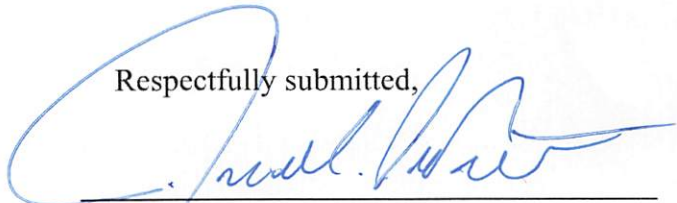
I would have also stipulated to an extension of time if the defendants had shown interest in settling this out of court and open to an agreement of restraint until after the trial. While I can understand this court's desire to settle cases on their merits instead of through default, I will continue to suffer harm if an extension is allowed. My complaint includes transcriptions of video evidence showing statements made by defendants that were defamatory per se combined with my affidavit that they are untrue. Defendants have offered no defense because they cannot meet the legal standard. If this court sees fit to grant a motion for extension of time, I pray that it will grant my following motion for preliminary injunction so that my damages can be limited until trial.

CONCLUSION

I respectfully request that the Court DENY Defendants' *ex parte* application for an extension of time to respond to the Complaint.

Dated: October 3, 2022

Respectfully submitted,



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